

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Yolo)

THE PEOPLE,

Plaintiff and Respondent,

v.

ALLEN CHARLES FOSTER,

Defendant and Appellant.

C079541

(Super. Ct. No. CRF152887)

Appointed counsel for defendant Allen Charles Foster asked this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).) Finding no arguable error that would result in a disposition more favorable to defendant, we will affirm the judgment.

I

Defendant approached the victim on May 16, 2015, brandished a gun, and took the victim's wallet, cell phone and \$30 in cash. Defendant was apprehended nearby and was found to be in possession of the victim's items and a realistic looking BB gun in his waistband. After receiving a *Miranda*¹ warning, defendant confessed to the crime.

¹ *Miranda v. Arizona* (1966) 384 U.S. 436 [16 L.Ed.2d 694].

Defendant entered a negotiated plea of no contest to second degree robbery (Pen. Code, §§ 211, 212.5, subd. (c)) in exchange for a stipulated sentence. Consistent with the plea agreement, the trial court sentenced defendant to the midterm of three years in prison, awarded 37 days of presentence credit, and imposed various fines and fees. Defendant did not seek a certificate of probable cause. (Pen. Code, § 1237.5.)

II

Appointed counsel filed an opening brief setting forth the facts of the case and asking this court to review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing the opening brief. More than 30 days elapsed and we received no communication from defendant.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

/S/
Mauro, J.

We concur:

/S/
Raye, P. J.

/S/
Blease, J.